The Supreme Court of Ohio

BOARD OF COMMISSIONERS ON GRIEVANCES & DISCIPLINE
65 SOUTH FRONT STREET, 5TH FLOOR, COLUMBUS, OH 43215-3431

RICHARD A. DOVE
SECRETARY

Telephone: 614.387.9370
Fax: 614.387.9379
www.supremecourt.ohio.gov

MICHELLE A. HALL
SENIOR COUNSEL

TO: Relator, Respondent, and Counsel of Record

FROM: Richard A. Dove

DATE: October 11, 2013

SUBJECT: Disciplinary Counsel v. Angela Rochelle Stokes, Case No. 2013-057

On this date, a probable cause panel of the Board of Commissioners on Grievances and Discipline certified the above-referenced matter to the Board.

Enclosed please find the certification entry and formal notice of filing.

RAD/fll
Enclosure

BEFORE THE BOARD OF COMMISSIONERS ON GRIEVANCES AND DISCIPLINE OF THE SUPREME COURT OF OHIO

In re:
Complaint against

Angela Rochelle Stokes (0025650)
1200 Ontario, P O Box 94894
Cleveland, OH 44113

Case No. 2013-057

RESPONDENT

NOTICE TO RESPONDENT OF FILING OF COMPLAINT

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, OH 43215

RELATOR

Respondent will take notice that:

(1) Attached hereto is a copy of the Complaint made against you by the Relator and certified to this Board by a probable cause panel.

(2) You are required to file six (6) copies of your written answer to this Complaint within twenty (20) days after the 17th day of October, 2013 and serve copies of the answer upon counsel of record named in the Complaint.

FAILURE TO FILE A TIMELY ANSWER TO THIS COMPLAINT MAY RESULT IN YOUR IMMEDIATE SUSPENSION FROM THE PRACTICE OF LAW BY THE SUPREME COURT OF OHIO PURSUANT TO GOV. BAR R. V, SECTION 6a.

RICHARD A. DOVE, Secretary

BEFORE A PROBABLE CAUSE PANEL
OF
THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE
OF
THE SUPREME COURT OF OHIO

In re:	:	
Complaint against	:	**Case No. 2013-057**
Angela Rochelle Stokes **Attorney Reg. No. (0025650)**	:	
Respondent	:	
Disciplinary Counsel **Relator**	:	

ENTRY

The Secretary of the Board of Commissioners on Grievances and Discipline, having received a complaint from Relator that alleges misconduct, as defined in Gov. Bar R. V, Section 6(A)(1), on the part of Respondent and that appears to satisfy the applicable requirements of Gov. Bar R. V, Section 4(I)(6), (7), and (8), has assigned the complaint to a duly constituted probable cause panel of the Board pursuant to Gov. Bar R. V, Section 6(D)(1). Upon review of the summary of investigation and formal complaint filed by Relator against Respondent, the probable cause panel hereby finds that probable cause exists for the filing of a formal complaint and certifies the complaint to the Board of Commissioners. It is hereby ordered that the complaint be accepted for filing and that notice of the filing be served forthwith by mail to Respondent at 1200 Ontario, P O Box 94894, Cleveland, OH 44113.

This entry is dated this 14th day of October, 2013.

RICHARD A. DOVE, Secretary

BEFORE THE BOARD OF COMMISSIONERS
ON GRIEVANCES AND DISCIPLINE OF
THE SUPREME COURT OF OHIO

In re:

Complaint against

Hon. Angela Rochelle Stokes
Cleveland Municipal Court
1200 Ontario St.
P.O. Box 94894
Cleveland, OH 44113

Attorney Registration No. (0025650)

Respondent,

No. 13-057

COMPLAINT AND CERTIFICATE

(Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.)

Disciplinary Counsel
250 Civic Center Drive, Suite 325
Columbus, Ohio 43215-7411

Relator.

Now comes relator, Disciplinary Counsel, and alleges that respondent, Angela Rochelle Stokes, an attorney at law, duly admitted to the practice of law in the state of Ohio, is guilty of the following misconduct:

1. Respondent was admitted to the practice of law in the state of Ohio on October 29, 1984.

2. Respondent was elected to the Cleveland Municipal Court in November 1995 and has served as a judge of that court since that time. She is currently one of 13 judges on the court.

3. As an attorney and a judicial officer, respondent is subject to the Code of Professional Responsibility, the Ohio Rules of Professional Conduct, and the Ohio Code of Judicial Conduct.

Count One – Abuse of Court Resources

4. Since taking the bench in 1995, respondent has consumed a disproportionate amount of the court's human and material resources due to her inability to administer her docket in a timely manner, her lack of organization, and her unreasonable expectation that all court employees be at her beck and call.

5. Starting in or around 2000, the Cleveland Municipal Court began enacting several "court-wide" rules in an attempt to address respondent's inordinate consumption of court resources. In addition, each department within the court has revised its policies and procedures to address issues created by respondent's behavior, actions, and demands. For example:

   a. The court enacted a rule requiring the bailiff department to transport all prisoners back to the workhouse by 4:00 P.M. The rule was later amended to require the bailiff department to collect all prisoners at 12:45 P.M. for return to the workhouse.

   b. The court enacted a rule requiring that the Cleveland House of Corrections be in charge of coordinating all transportation to and from psychiatric treatment facilities.

   c. The court enacted mandatory lunch breaks for employees.

   d. The court enacted a "10-minute" rule requiring probation officers, case managers, psychiatric clinic employees, and interpreters to return to their assigned workstations if not utilized within ten minutes of arrival in a courtroom to which they have been summoned.

   e. The court enacted a rule that no judge can occupy more than 10% of any court administrative staff's time. Additionally, each administrative staff member is limited to spending 30 minutes in any given judge's courtroom, after which the employee is to return to their workplace.

   f. The court enacted a rule giving the head of the probation department the authority to question referrals or conditions of probation when he/she does not believe that the referral or condition is appropriately related to the offense. In such cases, the head of the probation department is to contact the referring judge, the presiding judge, and the court administrator whereupon a

conference will be held to determine what should be done with the case as it relates to probation.

g. The court enacted a rule requesting that all official courtroom business end by 5:00 P.M. and permitting employees to leave the courtroom if the timeline is not adhered to.

h. The court enacted a rule ordering that no probation officer or case manager be called to a courtroom after 3:45 P.M. unless the individual would be able to leave the courtroom by 4:00 P.M.

i. The bailiff department and probation department scheduled some employees to work four 10-hour days rather than five 8-hour days to accommodate respondent's late courtroom hours.

j. The court enacted a rule limiting the request for second psychiatric evaluation requests to two per quarter.

k. The court enacted a rule ordering the probation department not to conduct any substance abuse screens and/or assessments on individuals charged with driving under suspension, no driver's license, hit-skip, or escalated moving violations unless the charge is also accompanied by a charge involving alcohol, drugs, or other mind-altering substances.

l. The court enacted a rule requiring psychiatric clinic staff to interview victims and/or witnesses only if they deemed it to be appropriate in their professional clinical judgment regardless of what may be stated on the referral form.

m. The court enacted a rule requiring judges to contact probation officers assigned to a specific case if assistance is needed. If the probation officer assigned to a case is not available, then the following individuals should be contacted in order listed: the probation officer's supervisor, the supervisor of the day, the deputy chief probation officer, and the chief probation officer.

6. In addition to the above rules, several agencies, as well as departments within the court, have reduced rotations in respondent's courtroom to avoid staff burnout. For example, security bailiffs are only assigned to four-hour shifts in respondent's courtroom, whereas they are assigned to eight-hour shifts in all other courtrooms. Public defenders only serve a two-month rotation in respondent's courtroom, whereas they serve a three-month rotation in other courtrooms. Moreover, after completing a two-month rotation in

respondent's courtroom, public defenders are permitted to pick the courtroom that they would like to serve their next three-month rotation in as a "reward."

7. Similarly, the probation department assigns cases from respondent's courtroom to a specific set of probation officers. This is in large part due to respondent's difficult-to-decipher referral forms, the inordinate amount of requirements that respondent places on defendants, and the fact that respondent does not provide the probation department with relevant information in a timely manner making it difficult for respondent's probation cases to be monitored.

8. As alleged in Count Two, respondent treats security bailiffs in her courtroom in a rude, demeaning, and unprofessional manner. In an attempt to limit the confrontations that may occur from respondent's erratic treatment of security bailiffs in her courtroom, the bailiff department has created a list of "restricted assignment" bailiffs. Bailiffs on this list are prohibited from serving in respondent's courtroom for a restricted period of time ranging from a few weeks to indefinitely. There are currently 14 bailiffs on this list. The "restricted assignment" list only applies to respondent's courtroom – no other courtroom has need for a "restricted assignment" list because in no other courtroom are bailiffs subjected to the treatment they receive from respondent.

9. Prior to the enactment of the above mentioned rules and/or policy changes, it would not have been unusual:

    a. For respondent to be holding court until 7:00 P.M. or even 8:00 P.M. when other judges on the court had typically completed their dockets by 3:00 P.M.;

    b. For six to eight prisoners to be held for several hours – in a holding cell designed for two prisoners – while waiting for respondent to call their cases;

    c. For city employees and attorneys, such as prosecutors, public defenders, bailiffs, probation officers, and staff support, to work well beyond their

scheduled hours incurring excessive amounts of overtime or compensatory time;

d. For bailiffs to transport defendants assigned to respondent's docket to local hospitals and wait for several hours while the prisoner's evaluation was being completed;

e. For respondent to request that a second psychiatric evaluation be performed when she was not satisfied with the results of the first examination; and

f. For court personnel who respondent summoned to her courtroom to wait in excess of 30 minutes before being utilized.

10. Even after the enactment of the above-mentioned rules, respondent has persisted in conduct that led to the imposition of the rules in the first place. For example:

a. On April 29, 2004, Judge Larry A. Jones, who was the Presiding and Administrative Judge at the time, issued an inter-office correspondence stating that "interviews conducted by the doctor and staff of the Cleveland Municipal Court's Psychiatric Clinic of alleged victims and/or witnesses shall be restricted to those occasions when it is deemed appropriate by the doctor using his or her professional clinic judgment."

b. Despite this memorandum, respondent continued to request that psychiatric clinic staff interview victims and/or witnesses.

c. On one particular occasion, on September 24, 2008, respondent refused to proceed with a mitigation hearing because the court psychiatric clinic declined to interview three witnesses that respondent requested be interviewed. In open court, respondent berated the psychiatric clinic and stated that it had "victimized" the witnesses again by choosing not to "pick up a telephone" and interview the witnesses. Respondent continued the matter until the witnesses could be subpoenaed to "voice their opinion" as to whether the defendant should be released.

11. In respondent's courtroom, it is not unusual for a matter to be continued five or six times before being resolved thus requiring repeat appearances by attorneys, court staff, and defendants. In fact, when Cleveland State University professors Dana J. Hubbard and Wendy C. Regoeczi reviewed respondent's courtroom and practices as part of a comprehensive review of Cleveland Municipal Court programs, they noted that

continuances in respondent's courtroom were 300% greater than in any other judge's courtroom on the Cleveland Municipal Court.

12. A majority of the continuances in respondent's courtroom are designated as being at the "defendant's request," when in reality they are not.

13. Due to the manner in which respondent conducts her docket, the court administrative office has a difficult time finding assigned counsel to handle cases in respondent's courtroom when the public defender's office is conflicted off a case.

14. Many attorneys on the court's assigned counsel list will not accept cases in respondent's courtroom given the amount of time they anticipate spending on a case and the maximum fee to which they are entitled for the case.

15. Respondent regularly exhausts her yearly allotment of funds for drug and alcohol testing early in the year and much earlier than any other judge on the Cleveland Municipal Court because she orders defendants to undergo drug and alcohol testing even when it has no reasonable relation to the charges against the defendant. For example:

    a. In 2009, each judge was allotted $5,000 for their Indigent Driver's Alcohol Assessment Fund. Respondent's fund was exhausted by May 1, 2009. At that time, every other judge on the court had at least $2,727.83 remaining.

    b. In 2009, each judge was allotted $5,000 for their Defendant Drug Testing Account. Respondent's fund was exhausted on or about April 14, 2009. At that time, every other judge had at least $4,127 remaining.

    c. In 2010, respondent's Indigent Driver's Alcohol Assessment Fund was exhausted on or about July 31, 2010.

    d. In 2011, each judge was allotted $5,000 for their Defendant Drug Testing Account. Respondent's Drug Testing Account was exhausted on or about July 18, 2011.

16. When respondent's allotment of funds for drug and alcohol testing is exhausted, she requires defendants to pay for their own testing oftentimes causing a hardship on defendants with limited financial resources.

17. Respondent's conduct as outlined above violates the Code of Judicial Conduct, the Code of Professional Responsibility, and the Rules of Professional Conduct, specifically Canon 1 (a judge shall uphold the integrity and independence of the judiciary), Canon 2 (a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary) and Jud R. 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary); Canon 3(c)(1) (a judge shall diligently discharge the judge's administrative duties without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court justice) and Jud. R. 2.5 (a judge shall perform judicial and administrative duties competently and diligently and shall comply with guidelines set forth in the Rules of Superintendence for the Courts of Ohio); and DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice) and Prof. Cond. R. 8.4 (d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

Count Two – Abuse of Court Personnel

18. Relator incorporates paragraphs 1 through 17.

19. Respondent regularly acts in a rude, demeaning, and unprofessional manner towards court personnel assigned to her courtroom. For example:

a. Respondent has regularly subjected personal bailiffs and security bailiffs assigned to her courtroom to "smell tests" in order to determine whether they are wearing any perfume, cologne, or scented lotions, to which respondent allegedly has a sensitivity. In doing so, respondent invades or causes another to invade the personal space of her bailiffs.

b. Respondent expels court personnel from her courtroom for coughing or sneezing while making comments such as "we don't want to expose this entire courtroom to whatever you have." On one occasion, respondent told a court employee not to come to work for six weeks because the employee's mother had shingles and the employee's daughter may have had chickenpox. Even after the employee provided respondent with a doctor's note indicating that shingles were not contagious and that her daughter did not have chickenpox, respondent still accused the employee of exposing her to "diseases."

c. Respondent regularly makes unprofessional personal comments about court personnel. For example, respondent accused one of her personal bailiffs of being a "bad mother," and she accused a security bailiff of "switching," i.e. walking with expressed hip movement.

20. Respondent regularly accuses bailiffs and probation officers in her courtroom of being incompetent and not knowing how to do their jobs. Respondent makes these accusations in open court and in front of members of the public.

21. Respondent imposes requirements on bailiffs in her courtroom that prevent them from doing their jobs; however, when they attempt to perform their jobs and/or abide by respondent's restrictive requirements, they are publically humiliated by respondent. For example:

a. Respondent does not allow her bailiffs to answer general questions from the public, but then accuses the bailiffs of incompetence or of not doing their job when a person interrupts court to ask respondent a question.

b. Respondent does not allow bailiffs to speak in court even if it is to ask someone to be quiet, but then accuses the bailiffs of incompetence or of not doing their job when the courtroom becomes too loud.

c. Respondent does not allow bailiffs to remove a person from the courtroom for any reason without her permission, but then accuses the bailiffs of incompetence or of not doing their job when the courtroom becomes too loud

and/or a bailiff interrupts respondent to request permission to remove an individual from the courtroom.

d. Respondent does not allow bailiffs in her courtroom to review files in advance of court, but then accuses the bailiffs of incompetence or of not doing their jobs when the bailiffs are not aware of what happened on a previous day in court.

22. Incidents occurring on May 2, 2013 are illustrative of conduct that regularly occurs in respondent's courtroom. On May 2, 2013, Audene Vasquez was assigned to respondent's courtroom as a security bailiff.

a. Upon arrival in respondent's courtroom at approximately 12:20 P.M., another security bailiff asked Vasquez to obtain information from a man standing near the journalizer's desk. As Vasquez was attempting to do so, respondent asked Vasquez what she was doing. Vasquez responded that she was trying to obtain information from the man; however, respondent stated that she did not ask her to do that. Vasquez never obtained the man's information.

b. Shortly thereafter, Vasquez positioned herself at the back door of respondent's courtroom. Moments later, Defendant Dyanthea Taylor entered the courtroom and attempted to speak to Vasquez. Vasquez informed Taylor not to speak. When respondent saw Taylor attempting to speak to Vasquez, she stated in a rude and demeaning manner that Taylor could not "continue to disrupt" court, that the bailiffs could not answer her questions, and that if Taylor had a question, she needed to direct it to the court. Respondent informed Taylor that if she disrupted court one more time, she would be placed in a holding cell. Taylor apparently rolled her eyes, whereupon respondent had Taylor immediately placed in the holding cell.

c. Respondent ordered that another security bailiff in the courtroom, Terry Gallagher, place Taylor in the holding cell and that Vasquez assist Gallagher in doing so. Once in the holding cell area, Gallagher told Taylor to apologize to respondent, and Taylor agreed to do so. Taylor, Gallagher, and Vasquez began to re-enter the courtroom; however, as soon as respondent saw them, she ordered them back to the holding cell area. After re-entering the holding cell area, Taylor informed Vasquez that she was a diabetic and that she did not have her medication with her. She further informed Vasquez that she had been at the courthouse since 8:30 A.M. (approximately 4 ½ hours) waiting for her case to be called. Vasquez then contacted a bailiff department supervisor regarding Taylor.

d. A short time later, respondent asked another bailiff in the courtroom to hand some files to Vasquez to take to probation. Respondent then requested those

same files back, while making the offhand comment that she [respondent] has to do the bailiffs' jobs.

e. Sometime during the course of the day, a defendant, Tyisha Morrison, informed Vasquez that she had recently delivered premature twins who were still in the hospital. Morrison asked Vasquez to pray for her twins, and Vasquez said that she would. Later in the day, Vasquez bowed her head and prayed for Morrison and her twins. At the end of Vasquez's silent prayer, she smiled. At that moment, respondent berated a bailiff supervisor, whom respondent had requested come to her courtroom, for standing and "laughing" with Vasquez.

f. Between the incidents listed above and prior incidents, Vasquez felt so hurt and disrespected by respondent that she had to leave the courtroom.

23. Respondent requires that court personnel act immediately upon her request. If action is not taken immediately, respondent will accuse the employee of incompetence, insubordination, and/or have the employee removed from her courtroom.

24. Respondent's public criticism of and/or personal comments about court employees has reduced several employees to tears. Moreover, respondent's public criticism of employees makes it very difficult for employees to perform their jobs because their credibility has been diminished.

25. Respondent's impossible standards and dictates create an extremely stressful and hostile work environment. In an attempt to address the work environment in respondent's courtroom, security bailiffs only serve a four-hour shift in respondent's courtroom, rather than the regular eight-hour shift in other courtrooms.

26. In addition, the court has decided not to provide respondent with a personal bailiff since respondent has employed 21 different personal bailiffs at 27 different times since taking the bench in 1995. Respondent's personal bailiffs have resigned from their position – a position that pays nearly double the salary of a security bailiff – after a year or less.

27. Respondent's conduct as outlined above violates the Ohio Rules of Judicial Conduct and the Ohio Rules of Professional Conduct, specifically Canon 1 (A judge shall uphold the integrity and independence of the judiciary), Canon 2 (a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary), and Jud. R. 1.2 (A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary); Canon 3(B)(4) (A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity) and Jud. R. 2.8 (A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity); and DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice and Prof. Cond. R. 8.4(d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

Count Three – Abuse of Lawyers

28. Relator incorporates Paragraphs 1 through 27.

29. Prosecutors, public defenders, and private defense counsel that appear before respondent are prohibited from asking questions about courtroom procedure or requesting further clarification of respondent's rulings. If they do so, they are told that they are "out of order" and threatened with contempt or referral to a disciplinary authority. The following are some examples of the confrontations that respondent has had with prosecutors, public defenders, and private defense counsel in her courtroom.

David Eidenmiller

30. On May 21, 2009, Matthew Gabriel appeared before respondent with his attorney, David Eidenmiller, for sentencing on a Driving Under Suspension (DUS) charge. (Case No. 2008 TRD 071751.) Gabriel's license had been suspended due to a DUI conviction.

31. The maximum penalty for DUS is 180 days in jail and a $1,000 fine.

32. Gabriel had already spent two days in jail. Respondent sentenced Gabriel to an additional three days in jail and a $300 fine. She suspended the remaining 175 days.

33. Respondent requested the location of Gabriel's vehicle so that she could have it immobilized.

34. Gabriel informed respondent that he had sold the vehicle in January 2009, but that he did not have proof of the sale with him in court.

35. Respondent noted that the probation report indicated that as of April 21, 2009, Gabriel still appeared to be to the titled owner of the vehicle.

36. Based on this information, respondent ordered the full 178 days into execution, but set the matter for a mitigation hearing on May 27, 2009.

37. When Eidenmiller tried to advocate on behalf of his client and explain that the probation report only reflects the last person who registered the vehicle, respondent threatened to hold Eidenmiller in contempt and place him in the holding cell with Gabriel.

38. The following day, Gabriel's family was able to provide proof that the vehicle had been sold, and respondent reduced Gabriel's sentence to the original three days.

Michael Winston

39. On August 19, 2010, Keynan Williams pled no contest to a minor misdemeanor Drug Abuse marijuana charge and a 1st degree Driving Under Suspension (DUS) charge in

exchange for a 4th degree Open Container charge and a minor misdemeanor seat belt charge being dismissed. (Case nos. 2010 CRB 021617 and 2010 TRD 038170.)

40. On August 23, 2010, Williams was in court with his attorney, Michael Winston, for sentencing.

41. On the DUS charge, respondent sentenced Williams to 180 days in jail with 178 days suspended and a $1,000 fine with $800 suspended. On the drug abuse charge, respondent fined Williams $50.

42. Respondent also ordered Williams to one year of active probation with random breathalyzer and urinalysis testing.

43. After the sentencing, Williams was taken to the holding cell. After Williams left the courtroom, Winston attempted to make an objection on the record as to the imposition of active probation because it was not related to the DUS charge and not permitted by the drug abuse charge.

44. Respondent proceeded to say that "this makes absolutely no sense" and that she would have never accepted the plea if she knew that Williams objected to getting treatment. She then threatened to sentence Williams to the full 180 days because of Winston's objection. During the confrontation, respondent told Winston twice to "shut your mouth" and threatened to place him in the holding cell with Williams on contempt charges.

Tina Tricarichi

45. On October 28, 2010, Tina Tricarichi was in respondent's courtroom with her client, Darius Andrews, for sentencing on several cases. (Case nos. 2010 CRB 040350, 2010 CRB 008032, 2010 TRD 001047.)

46. During the sentencing, Tricarichi did not hear one of the conditions imposed on Andrews because Andrews was talking to her.

47. Tricarichi said "Pardon," and repeated what she believed was the condition to ensure that she had heard it correctly.

48. Respondent stated that Tricarichi was correct, but that she should have been listening to the court in the first place. Respondent further stated that it was "outrageous" that she had to repeat herself "three or four times" during a sentencing.

49. After the sentencing was complete, Andrews stated "Thank you, your Honor."

50. Respondent continued to berate Tricarichi by stating, "He [the defendant] understands. He knows. She [Tricarichi] doesn't understand what the court is saying."

51. Respondent accused Tricarichi of talking during the sentencing, but when Tricarichi attempted to explain herself, respondent stated that she was "tired of going through this for the past two months" and that she was not "going to tolerate it."

52. Respondent then stated--in open court--that she had already spoken to Tricarichi's supervisors about Tricarichi.

53. The confrontation ended with respondent threatening to hold Tricarichi in contempt and placing her in the holding cell if she said "one other word."

Angela Rodriquez

54. On January 13, 2011, Attorney Angela Rodriquez was assigned to respondent's courtroom as the city prosecutor.

55. On at least two occasions, respondent asked Rodriquez what was reflected on the LEADS report for various defendants without being specific as to what type of information she

was seeking, i.e. number of previous convictions, number of previous driver's license suspensions, or both.

56. In each case, Rodriquez answered as she believed appropriate, and respondent did not ask follow-up questions or request additional information.

57. Later, when additional information on the LEADS report was revealed, respondent publically accused Rodriquez of intentionally providing the court with inaccurate information.

Scott Malbasa

58. On June 16, 2011, Attorney Scott Malbasa was representing a defendant in a trial before respondent.

59. One of the defense witnesses was being cross-examined by the prosecutor; however, the individual was not seated in the witness stand. He was standing at the podium with Malbasa.

60. At one point during the prosecutor's questioning, the witness began talking at the same time as the prosecutor.

61. Respondent interrupted the trial and instructed the witness not to speak at the same time as the prosecutor.

62. Respondent then stated that it would be better for the individual to sit in the witness stand because he was "out of control in this courtroom" and she was "not going to permit it."

63. At that point, Malbasa attempted to place an objection on the record.

64. Respondent would not permit Malbasa to make his objection, and the situation quickly deteriorated into a shouting match between Malbasa and respondent with respondent telling Malbasa to "shut your mouth" and threatening to hold him in contempt.

Henry Hilow

65. On September 25, 2012, Attorney Henry Hilow was in court with his client, Frank Petrucci, for a first pre-trial. (Case No. 2012 TRC 050939.)

66. Hilow and Petrucci both checked in at approximately 8:30 A.M.; however, the case was not called until approximately 11:40 A.M.

67. When the case was called, Hilow informed respondent that he had already spoken to the prosecutor and that the prosecutor had agreed to a continuance. Hilow requested that the pre-trial be rescheduled for October 24, 2012.

68. After confirming Hilow's statements with the prosecutor, respondent asked Hilow what time he would like the pre-trial to be set.

69. Hilow inquired into whether it would be appropriate to request a later start time because based on his observations, respondent called cases with police officers first.

70. Respondent stated that Hilow's observations were incorrect for various reasons.

71. When Hilow informed respondent that he was not trying to insult the court, respondent replied "I think that you are. I think you are out of order. This court is not going to accept it." Respondent then told Hilow that he was "out of order" again and that he needed to "watch his conduct" in the courtroom.

Ashley Jones/Joanna Lopez

72. On May 7, 2013, Attorney Ashley Jones was in court with her client, Robert Downing. Downing had been charged with Driving Under the Influence of Alcohol/Drugs (DUI). (Case No. 2013 TRC 016088.)

73. This was Downing's 3rd DUI in 6 years; therefore, the offense carried mandatory jail time and mandatory vehicle forfeiture.

74. Prior to Downing's case being called, Jones had advised the city prosecutor, Joanna Lopez, that Downing was willing to plead guilty to the DUI, so long as some kind of deal could be worked out where the vehicle would not forfeited. Jones informed Lopez that the vehicle was a family vehicle and that it would cause hardship on the family if it was forfeited. Jones further informed Lopez that she believed there was some type of hardship exception in the statute that would allow the vehicle not to be forfeited.

75. Jones and Lopez discussed all sorts of possibilities including amending the charge to a 2nd in 6, which did not require mandatory vehicle forfeiture. Ultimately, Jones and Lopez agreed to approach respondent with details of their possible plea offer.

76. At the first sidebar, respondent was initially receptive to the idea of a hardship exception, but was concerned with the legality of such a proposal. Jones offered to brief the issue for the court; however, respondent would not permit it. She ultimately informed Jones and Lopez that she would not accept a plea offer without mandatory vehicle forfeiture, and that she would recall the case in a few moments.

77. Jones left the sidebar and informed her client as to what respondent had stated at the sidebar. Downing then informed Jones that he wanted a jury trial.

78. At a second sidebar, Jones informed respondent that her client wanted a jury trial. Respondent then stated that Jones was the reason this case was not being resolved today and that she could not believe that Jones and Lopez would ask her to do something "illegal." Respondent informed Jones and Lopez that she was "disgusted" by them and that she should report them to the Supreme Court of Ohio for ethical violations.

79. Respondent's conduct as outlined above violates the Ohio Rules of Judicial Conduct and the Ohio Rules of Professional Conduct, specifically Jud. R. 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety); Jud. R. 2.8 (a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity); and Prof. Cond. R. 8.4(d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

Count Four – Abuse of Defendants and the Public

80. Relator incorporates Paragraphs 1 through 79.

81. The Cleveland Municipal Court receives complaints from defendants and the general public about every judge on the court; however, the number of complaints received against respondent is proportionally much higher than any other judge on the court.

a. Most, if not all, of the complaints allege that respondent's attitude towards them was patronizing, demeaning, insulting, or dismissive.

b. Many of the complaints allege that respondent has no respect for their time. The complaints highlight scenarios in which a defendant was in court all day waiting for his or her case to be called, only to be told that he or she needed to return the next day. In some cases, a defendant has been required to come back for a third day.

c. Many of the complaints also allege that an individual has or is in danger of losing his or her job due to the amount of time spent in respondent's courtroom.

82. Respondent also treats defendants and the public in her courtroom in an impatient and unprofessional manner. She publically reprimands individuals, expels them from her courtroom, or places them in holding cells for minor infractions such as whispering.

83. Respondent regularly confiscates all cell phones in her courtroom due to presence of a single displayed or ringing phone.

84. As with attorneys in her courtroom, if an individual speaks up – claims innocence or attempts to explain his or her conduct – respondent will threaten the individual with contempt of court and up to three days in jail.

85. Below are some examples of respondent's impatient and unreasonable temperament in response to activity in her courtroom, including cell phone usage:

Cell Phone Usage

86. On October 28, 2010, respondent confiscated all cell phones in the courtroom.

87. On July 20, 2011, respondent confiscated cell phones belonging to two individuals and had the individuals thrown out of the courtroom for using the phones. She also threatened to place the individuals in a holding cell.

88. On August 9, 2011, respondent publically berated a woman in the courtroom because her cell phone rang. Specifically:

a. On August 9, 2011, respondent was in the process of sentencing a defendant.

b. During the plea colloquy, respondent heard a cell phone say "droid."

c. Respondent ordered that the phone be confiscated, but either out of fear or because she was unaware that it was her phone making the noise, the woman did not admit ownership of the phone.

d. When no one admitted ownership of the offending phone, respondent ordered her bailiffs to confiscate all cell phones in the courtroom.

e. As the bailiffs were confiscating phones, the woman's phone said "droid" again, and respondent identified the phone as belonging to the woman.

f. The woman began to say that she thought her phone was off, but respondent accused her of lying and ordered her to be placed in the holding cell.

g. The woman attempted to say that she did not know that it was her phone that was ringing; however, respondent would not permit her to speak. Respondent further stated that if the woman said another word, she would hold her in contempt and place her in jail for "three consecutive days" because her conduct in the courtroom was "outrageous."

89. On March 21, 2013, there were two people in the courtroom who were using their cellular phones; however, the phones did not create a noticeable disruption to courtroom proceedings. Rather than just confiscating the phones that were being used, respondent ordered that every phone in the courtroom be confiscated.

90. The above listed examples are only a sampling of the times when respondent has confiscated either an individual's or the entire courtroom's phones.

Novella Black

91. On October 28, 2010, Novella Black was in court on charges of domestic violence and endangering children. (Case No. 2010 CRB 021049.)

92. The public defender's office was unable to represent Black due to a conflict of interest; therefore, the matter was continued for appointment of counsel.

93. As Black was leaving the courtroom, the doors to the courtroom made an audible noise.

94. Respondent instructed her bailiffs to bring Black back into the courtroom.

95. When Black re-entered, respondent stated that she was holding Black in contempt and placing her in the holding cell.

96. Black asked respondent what she had done, and respondent stated that Black had slammed the doors and was rude to the court.

97. Black stated that she did not slam the doors, but respondent spoke over Black and ordered her bailiffs to take Black into custody. Respondent then ordered Black not to "say another word to this Court before you go to jail for three days."

98. Black was taken into custody at approximately 11:43 A.M.

99. At approximately 2:55 P.M. (over three hours later), Black was brought back into the courtroom.

100. Respondent asked Black if there was anything she wanted to say. Black replied that she had nothing to say.

101. Respondent then stated that if Black did not apologize to the court, she would be placed in jail for three days. Respondent "offered" to place Black back in the holding cell to give her time to think about whether she wanted to apologize to the court.

102. At that point, Black abruptly stated, "I apologize to the court."

Charlotte Shutes

103. On September 27, 2011, Charlotte Shutes was in court with her son, who had a case before respondent.

104. Upon entering the courtroom, Shutes was advised to remove her earpiece because respondent permitted absolutely no talking in the courtroom. Shutes did as instructed.

105. At one point, Shutes left the courtroom to pay her son's fine. When she returned, she handed the payment receipt to her son, who said "Thanks" or "Thank You." A few minutes later, Shutes was expelled from the courtroom for talking.

106. Shutes was humiliated by the situation.

Shatauna Moore

107. On November 20, 2012, Shatauna Moore was in court with her attorney, Margaret Walsh, for a probation violation hearing. (Case No. 2012 TRD 007856.)

108. Moore had also been charged with a felony that was set for a pre-trial on the following day, November 21, 2012.

109. Walsh requested a continuance of the probation violation hearing due to the fact that the felony was still pending.

110. In deciding whether or not to grant the continuance, respondent began reviewing Moore's file.

111. Respondent inquired into whether Moore had taken a urinalysis test recently. Moore stated that she had approximately two weeks earlier through Key Decisions Treatment Center.

112. Respondent informed Moore that she needed to take a urinalysis test through the probation department and that she needed to do it before she would grant a continuance of the probation violation hearing.

113. Walsh advised respondent that Moore did not have the $9 to pay for the urinalysis test that day, but that she could have it the following day.

114. Respondent told Moore that she was not going to place the matter on her docket for tomorrow and that Moore needed to figure out how she was going to pay for the urinalysis test that day.

115. Moore responded by rolling her eyes.

116. At first, respondent stated that if Moore rolled her eyes one more time, she was going to take Moore into custody; however, respondent quickly changed her mind and decided to take Moore into custody immediately for rolling her eyes.

Kenneth Taylor

117. On November 27, 2012, Kenneth Taylor was representing himself pro se against a minor misdemeanor charge of disorderly conduct. (Case No. 2012 CRB 038736.)

118. A few days earlier, Taylor had filed a Motion to Dismiss, which the city had not yet responded to.

119. The case was continued until December 14, 2012 so that the city could respond to the Motion to Dismiss.

120. Taylor calmly stated that he would like to make another Motion to Dismiss because this was his third time in court with no officer present.

121. Respondent replied in a rude and condescending manner:

> Sir, let me tell you something. That's what you don't understand. That's why you need to hire an attorney because you don't have a clue as to what you are doing in a courtroom. You filed the motion. The city has a right to respond to the motion. She just got the motion and she's gonna respond. And it's set for a hearing December 14 at 2:00 P.M. Is there anything else?

122. When Taylor attempted to address another motion that he had filed, respondent requested that Taylor be escorted to the elevator. As Taylor was leaving, respondent instructed her bailiff to bring Taylor back into the courtroom to go to the workhouse if he does "anything out of line" or if he "says another word."

Jamese Johnson, Jasmine Edwards, and Lisa Barbee

123. On March 5, 2013, Jamese Johnson was in respondent's courtroom on a charge of Petty Theft. She was accompanied by her mother-in-law, Lisa Barbee. (Case No. 2011 CRB 043197.)

124. On the same day, Jasmine Edwards was also in respondent's courtroom on charges of Driving Under Suspension, Driving while Under the Influence of Alcohol or Drugs, and other charges that were eventually dismissed. (Case Nos. 2011 TRC 002970 and 2012 TRD 068011.)

125. Johnson and Edwards did not know each other; however, while waiting for their respective cases to be called, Johnson (and Barbee) and Edwards sat in the same row.

126. At approximately 11:45 A.M., Johnson caught her hair in the zipper of a piece of clothing that she was wearing. Johnson reacted by saying "Ouch," "F—k," or something similar to express the momentary pain caused by getting her hair caught in the zipper.

127. Respondent heard Johnson's expression, but attributed it to Edwards. Without requesting any further information, such as a name or an explanation, respondent ordered her bailiff to place Edwards in the holding cell.

128. At that point, Johnson spoke up and stated that she was the one who had said something, not Edwards. Respondent then ordered her bailiff to place Edwards and Johnson in the holding cell.

129. As the bailiff approached, Barbee stated that Edwards and Johnson had done nothing wrong. At that point, respondent ordered "all three" (Edwards, Johnson, and Barbee) to be placed in the holding cell.

130. Edwards and Johnson were in the holding cell for approximately 30 minutes to an hour, and Barbee was in the holding cell for 15-20 minutes longer than them.

131. During the above events, Attorney Ian Friedman was present. Although closer in physical proximity to Johnson, Edwards, and Barbee than respondent, he did not hear any

discussion or disruptive behavior from them prior to respondent ordering her bailiff to place Edwards in the holding cell.

132. Attorney Bryan Ramsey was also present during the above events. He heard some type of audible noise shortly before respondent ordered Edwards to be placed in the holding cell; however, the noise was not disruptive to court proceedings.

133. Respondent's conduct as outlined above violates the Ohio Code of Judicial Conduct and the Ohio Rules of Professional Conduct, specifically Jud. R. 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary); Jud. R. 2.6 (a judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to the law); Jud. R. 2.8 (a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity); and Prof. Cond. R. 8.4(d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

Count Five – Abuse of Constitutional Freedoms

134. Relator incorporates Paragraphs 1 through 133.

135. Respondent requires all individuals entering her courtroom, including family and friends of defendants, to sign in and provide information as to why they are in the courtroom. At times, respondent has also prohibited individuals from leaving her courtroom, even if it is to use the restroom.

136. These practices inhibit the free flow of individuals from a public courtroom and may even impact an individual's ability or willingness to attend a public proceeding.

137. As discussed further in Count Six, respondent oversees the court's Project Hope docket. When respondent conducts these dockets, they oftentimes have a religious overtone. For example, during past Project Hope compliance hearings, respondent has had an individual standing by her side on the bench that served as her "religious adviser." On at least one occasion, a member of respondent's church presented Project Hope participants with a scarf that had a cross on it and blessed each participant as they received the scarf.

138. Respondent regularly prohibits or inhibits the right of defendants to represent themselves pro se. Respondent will question defendants about their choice to represent themselves and imply that they may be sentenced to a longer jail sentence or larger fine if they do not obtain counsel. In at least one case, respondent told a pro se defendant that he had to be represented by counsel in her courtroom. Below are some of the most offensive examples of instances where respondent has required or implied that a defendant needs to be represented by counsel.

Carolyn Massengale-Hasan

139. On January 20, 2011, Carolyn Massengale-Hasan was in court on a License Required to Operate, Seat Belt, and Expired Sticker charges. (Case No. 2010 TRD 077438.)

140. Massengale-Hasan informed respondent that she was not represented by counsel.

141. Respondent asked Massengale-Hasan what she intended to do about her legal counsel in a case that carried a maximum fine of up to six months in jail and a $1,000 fine.

142. Massengale-Hasan asked respondent whether she was permitted to ask a question.

143. Respondent would not permit Massengale-Hasan to ask a question until Massengale-Hasan had answered respondent's previous question about legal counsel.

144. Massengale-Hasan again informed respondent that she did not have legal counsel, so respondent continued the matter until January 21, 2011.

145. Massengale-Hasan informed respondent that she had school on the 21st, to which respondent stated that that was Massengale-Hasan's problem. Respondent stated that Massengale-Hasan had to be in court on the 21st or a capias would be issued for her arrest.

146. When Massengale-Hasan attempted to speak, respondent threatened to hold Massengale-Hasan in contempt of court. Respondent then had Massengale-Hasan escorted out of the courtroom so that she would not "slam doors or act up in this courtroom."

147. Massengale-Hasan returned to respondent's courtroom on January 21, 2011 with counsel that she retained in the hallway just prior to entering the courtroom. She pled no contest to the License Required to Operate charge, and the remainder of the charges were dismissed.

Dezi Walker

148. On March 2, 2011, Walker appeared in court on a traffic control violation (running a red light); however, the matter had been charged as a 3rd degree misdemeanor. (Case No. 2011 TRD 007301.)

149. Walker appeared in court without counsel. He informed respondent that he had spoken to the public defender's office, but that they would not represent him.

150. The public defender assigned to respondent's courtroom then informed respondent that Walker did not qualify for assistance.

151. Respondent informed Walker that he had "options," but the only option she gave him was to continue his case to obtain counsel.

152. Walker attempt to make a motion to dismiss because the officer was not present; however, respondent informed Walker that the matter was not set for trial and that since it was a 3rd degree misdemeanor carrying up to a $500 fine and 60 days in jail, he needed to discuss the matter with an attorney.

153. Respondent continued the matter until March 29, 2011.

154. On March 29, 2011, Walker appeared without counsel. Although he still did not qualify for assistance, the public defender assigned to respondent's courtroom agreed to assist Walker if he wanted to resolve the matter that day. The public defender informed Walker that the prosecutor would probably reduce the charge to a 4th degree misdemeanor, but Walker stated that he was not guilty.

155. Respondent continued the matter until April 13, 2011 at 9:00 A.M. and advised Walker that he had to retain counsel and that his counsel had to be present on April 13, 2011.

156. Although Walker's case was scheduled for 9:00 A.M. on April 13, 2011, it was not called until 5:40 P.M. after the public defender had left for the day. Since Walker did not have retained counsel with him, respondent inquired into whether he wanted the matter continued so that he could be represented by the public defender.

157. Walker stated that he did not want a continuance and that he wanted the matter set for trial. Respondent stated that Walker needed the public defender's office to make that determination for him, but since the public defender was no longer there, she was continuing the matter until the following day.

158. Walker informed respondent that he could not appear the following day, so respondent arbitrarily set the matter for April 18, 2011. When Walker attempted to question respondent about why his case kept getting continued, respondent stated that she was not

going to "argue" with him. As Walker continued to talk, respondent threatened him with contempt and time in the holding cell the next time he appeared in court.

159. Walker failed to appear for his pre-trial on April 18, 2011.

160. The matter came before respondent again on June 29, 2011 at which time the prosecutor dismissed the charges because they had been incorrectly charged as a 3rd degree misdemeanor rather than a minor misdemeanor and the time for bringing the matter to trial had passed.

Fernado Taylor

161. On May 25, 2011, Fernado Taylor was in court on a charge of Tow Truck/City License. (Case No. 2011 CRB 015357.)

162. Taylor was not represented by counsel, nor did he want a continuance to seek legal counsel.

163. Respondent would not allow Taylor to proceed with his case and stated that "in this courtroom, you need to be represented by an attorney."

164. Respondent then told Taylor to "sit down" and "think about this." She then mumbled under her breath, "this is outrageous."

165. While Taylor was waiting for his case to be recalled, a bailiff in the courtroom informed Taylor that the only way he was going to be able to resolve his case is if he retained counsel.

166. When Taylor's case was recalled, he stated that he would obtain an attorney, which he subsequently did.

167. Respondent's conduct as outlined above violates the Ohio Code of Judicial Conduct, specifically Canon 1 (a judge shall uphold the independence and integrity of the

judiciary) and Jud R. 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary); Canon 2 (A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary) and Jud. R. 2.2 (A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially); and DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice) and Prof. Cond. R. 8.4(d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice).

Count Six – Abusive Legal Errors

168. Relator incorporates Paragraphs 1 through 167.

169. Respondent regularly coerces pleas from defendants by implying that they will receive a harsher sentence if they go to trial or by treating defendants in a frustrated and impatient manner until they enter a plea to the charges.

170. Respondent regularly solicits information from defendants about their mental health status and/or drug and alcohol use even when it has no reasonable relationship to the charges against the defendant. Oftentimes, respondent will reveal this information in open court, i.e. reading from psychiatric reports, thus publically revealing personal and confidential information about defendants and making defendants very uncomfortable in the courtroom.

Hasty Decisions

171. Respondent uses information learned from defendants about their mental health status and/or drug and alcohol use to make hasty and unwarranted decisions about the defendants and/or about conditions for probation. For example:

James Luster

172. On January 31, 2002, James Luster appeared before respondent with his attorney, Margaret Walsh, for sentencing on a License Required to Operate Charge. (Case No. 2001 TRD 108484.)

173. Luster had previously been in court on January 7, 2002 and January 30, 2002 for sentencing; however both times, Luster's sentencing had been continued.

174. On January 31, 2002, respondent sentenced Luster to 180 days in jail, with 150 days suspended, an alcohol assessment, and substance abuse counseling. She also fined Luster $100.

175. Following the sentencing order, Walsh challenged the court's imposition of an alcohol assessment and substance abuse counseling because they were not reasonably related to the charge against Luster. Walsh also requested that Luster be given credit for time served for the two days that Luster spent in respondent's courtroom waiting for his sentencing hearing.

176. Respondent denied Walsh's request and instead decided to suspend only 120 days of Luster's sentence thereby doubling Luster's actual time in jail to 60 days.

177. On February 15, 2002, Luster filed a Notice of Appeal with the Eighth District Court of Appeals.

178. On March 15, 2002, respondent suspended all fines against Luster and gave him credit for the 34 days of jail time that he had already served. She suspended the remaining 146 days of Luster's sentence.

179. On November 27, 2002, the Court of Appeals dismissed Luster's appeal as moot because Luster had already served his time in jail; however, the court noted that "a trial court

abuses its discretion when it imposes a sentence based upon the conduct of the defense attorney."

Gabriel Matthew

180. See Paragraphs 30 through 38 of Count Two for facts regarding Gabriel Matthew.

Daniel O'Reilly

181. On June 3, 2009, Daniel O'Reilly appeared before respondent on charges of aggravated trespass and aggravated menacing. (Case No. 2009 CRB 014228.) He was not represented by counsel.

182. O'Reilly politely asked respondent for permission to say something on his own behalf, but respondent would not permit him to speak without legal counsel present. At that point, Attorney David Eidenmiller (public defender) agreed to assist O'Reilly with his case.

183. O'Reilly's file indicated that O'Reilly had some kind of mental illness. Accordingly, respondent asked O'Reilly whether he was taking his medication.

184. O'Reilly responded that he was not taking his medication and that he had not taken his medication for over 30 days due to a number of reasons involving Medicare, Social Security, etc.

185. Respondent then requested a sidebar on the record; however, halfway through the sidebar, respondent muted all microphones in the courtroom.

186. During the sidebar, O'Reilly agreed to speak with Jerome Saunders, a court psychiatric employee, regarding his mental health condition and lack of medication.

187. Thereafter, O'Reilly met with Saunders.

188. O'Reilly's case was recalled approximately two hours later.

189. When the case was recalled, respondent asked Saunders to place his findings on the record as to whether O'Reilly was suicidal, homicidal, or needed emergency psychiatric hospitalization.

190. Saunders testified that O'Reilly was not suicidal or homicidal and that he did not require emergency psychiatric hospitalization. Saunders stated, however, that O'Reilly needed to obtain and take his medication.

191. Based on Saunder's testimony, respondent continued the matter until June 9, 2009 (six days later). She allowed O'Reilly's personal bond to remain in effect on condition that he not go to Tower City Mall, not have any contact with his alleged victim, and go immediately to Lakewood Hospital to obtain his medication. O'Reilly confirmed that he understood the court's orders and that he would abide by them.

192. As everyone was preparing to leave the courtroom or move on to the next case, respondent told Saunders that O'Reilly takes four Tylenol PM per night, which was against the dosage recommendation on the box.

193. Saunders stated that O'Reilly had not told him this information during their conversation, but that he still believed that O'Reilly was willing and able to obtain his medication as previously indicated.

194. Respondent then commented that if O'Reilly overdoses on the Tylenol PM, it will be "on all our consciences for the rest of our lives."

195. Respondent then ordered that O'Reilly appear in her courtroom on June 4, 2009, rather than June 9, 2009, with proof that he had gone to Lakewood Hospital to obtain his medication.

196. Thereafter, respondent changed her mind again because she did not have "peace" with the situation.

197. Respondent ordered O'Reilly to be taken into custody immediately and transported to St. Vincent's Charity Hospital. She stated that "it is not going to be on my conscience. It is not going to be on my conscience." She then continued O'Reilly's case until June 5, 2009. (Emphasis added.)

198. On June 5, 2009, O'Reilly appeared in court with Attorney Eidenmiller.

199. Eidenmiller informed the court that O'Reilly had been seen by the court's psychiatric clinic and by St. Vincent's, and both had released him without providing him with any medications.

200. Based on this information, respondent initially stated that she was not going to release O'Reilly from custody because she believed that he was a harm to himself and others. She stated, "If I don't have peace, he won't be released."

201. However, respondent later changed her mind and gave O'Reilly a personal bond on condition that he obtain his medication immediately.

Melvin Cary

202. On December 21, 2010, Melvin Cary was in court with his counsel, Thomas Kraus. (Case No. 2010 TRD 064130.)

203. Cary pled no contest to the two charges against him – Driving Under Suspension and Full Time and Attention. The matter was referred to the probation department for a pre-sentencing report and was continued until January 19, 2011.

204. On January 19, 2011, Cary appeared with Kraus for sentencing. The pre–sentencing report indicated that this was Cary's 12th conviction for driving under suspension and that

he had last used alcohol and marijuana in early December 2010. There was no information suggesting that Cary's alcohol or marijuana usage was connected to the pending charge.

205. Based on this information, respondent sentenced Cary to 180 days in jail and placed him on two years of active probation with random drug and alcohol screening. Respondent set the matter for a mitigation hearing on February 24, 2011; however, it was later continued until March 8, 2011.

206. On March 8, 2011, Cary appeared with Kraus for a mitigation hearing.

207. During this hearing, respondent expressed concerns with Cary's marijuana and alcohol use and stated that it was a "huge risk" to release Cary into the public.

208. She stated that if she released him from custody, she was considering placing him on house arrest and/or requiring him to wear a continuous alcohol monitoring device.

209. The matter was continued until March 9, 2011 in order to obtain details, i.e. cost about the continuous alcohol monitoring device.

210. On March 9, 2011, respondent suspended the remainder of Cary's sentence on condition that he complete outpatient treatment and wear a continuous alcohol monitoring device.

211. Thereafter, a continuous alcohol monitoring device was placed on Cary, which he wore until August 4, 2011.

Denise Pederson

212. On August 29, 2011, Denise Pederson was in court on an open container charge. Pederson was represented by counsel. (Case No. 2011 CRB 029832.)

213. Pederson pled no contest to the charge and was sentenced to a $20 fine, which was to be paid within the next 24 hours.

214. Pederson informed respondent that she was unable to pay the fine within 24 hours because she was on disability and would not receive her next disability check until September 3, 2011.

215. Respondent asked Pederson what her disability was. Pederson stated that she was schizophrenic, but that she was not required to take medication.

216. Based on this information, respondent placed Pederson on one year of active probation and referred her to the court's psychiatric clinic.

217. At that point, Pederson's attorney stated that it might be best if Pederson withdrew her no contest plea.

218. Respondent stated that she would allow Pederson to withdraw her no contest plea; however, she was still referring Pederson to the court psychiatric clinic because Pederson needed to be evaluated.

219. Pederson was then taken into custody.

Burdensome Conditions

220. Respondent also places unduly burdensome conditions on individuals charged with other offenses including, but not limited to solicitation.

Project Hope

221. Project Hope is a time-intensive specialized docket for defendants, primarily women, who are on probation from soliciting offenses. Each month, Project Hope participants are required to attend monthly compliance meetings.

222. Respondent oversees the Project Hope docket.

223. When Project Hope was reviewed in 2011 by Cleveland State University Professors Dana J. Hubbard and Wendy C. Regoeczi as part of comprehensive review of eight court programs for effectiveness and efficiency, the following observations were made:

a. There are no clear goals for the program. For example, the program was initially designed for women convicted of solicitation, but at the time of the review, the caseload consisted of 19 cases including five "johns," one male solicitor, and one woman convicted of open container and disorderly offenses.

b. Motivational speakers are brought in every month to speak to Project Hope participants; however, the speakers are not likely to have any effect on recidivism rates.

c. There is no incentive for participants who do well in the program to continue doing well, i.e. graduated meeting attendance. Participants are required to attend monthly compliance meetings regardless of the circumstances, and they know that if they do not attend for any reason or if they say something "wrong" at the compliance meeting, they will be sentenced to jail. At the time of the review, most of the participants expressed concern that they would never complete the Project Hope docket because their cases were constantly being continued so that another assessment could be performed, another social service agency could be contacted, or more information could be obtained.

d. Respondent publically criticizes the Project Hope probation officer in front of the participants. This creates confusion for the participants regarding whom they should trust or listen to.

e. Respondent has no respect for the participants' time. Project Hope participants are often required to be in the courtroom by 9:00 A.M., but the docket will not start until 10:30 A.M. or 11:00 A.M. It then takes respondent the whole day to complete the docket. Many participants have stated that they are fearful of leaving the courtroom to make a phone call or go to the bathroom because they are afraid that respondent will sentence them to jail. Many participants have also reported having problems with employers, child care, or other commitments due to Project Hope compliance meetings.

224. On one occasion, a Project Hope participant filed a motion requesting that her jail sentence be ordered into execution so that she could cease attendance at the monthly Project Hope compliance meetings.

a. On November 17, 2009, Sharon Lawson-Dennis appeared before respondent on two charges of public intoxication, two charges of having an open

container, one charge of hitchhiking, and one charge of entering or leaving a moving vehicle. In exchange for Lawson-Dennis's no contest plea to one charge of public intoxication, one charge of having an open container, and the charge of entering or leaving a motor vehicle, the remaining charges against Lawson-Dennis were dismissed. Case Nos. 2009 CRB 036688, 2009 TRD 032231, 2009 CRB 015822, and 2008 TRD 003752.)

b. Respondent sentenced Lawson-Dennis to 30 days in jail, but gave her credit for eight days of time served. Respondent suspended the remaining 22 days of Lawson-Dennis's sentence and placed her on two-years of active probation through Project Hope even though Lawson-Dennis had not been charged with any solicitation offenses.

c. Between November 17, 2009 and April 25, 2011, Lawson-Dennis attended at least 14 Project Hope compliance meetings. She was also required to meet with her probation officer at least once a month, complete regular urinalysis screens, undergo a psychiatric evaluation, attend grief counseling, and submit herself for a vocational skills assessment.

d. At the April 25, 2011 compliance meeting, another Project Hope participant brought pictures of her child to share. Lawson-Dennis began crying because her daughter had recently passed away. Respondent instructed Lawson-Dennis to leave the courtroom until she could control herself. As she was leaving the courtroom, Lawson-Dennis pushed the door of the courtroom too hard and it slammed shut. Respondent had Lawson-Dennis brought back into the courtroom whereupon respondent proceeded to hold her in contempt and order the full 22 days of her sentence into execution. Lawson Dennis was held in custody for three days until April 28, 2011.

e. On April 28, 2011, Lawson-Dennis was brought back before respondent on a Motion to Mitigate her sentence. Respondent granted the Motion to Mitigate and released Lawson-Dennis from custody; however, she refused to release Lawson-Dennis from active probation as requested.

f. Lawson-Dennis attended Project Hope compliance meetings in May of 2011 and June 2011.

g. On July 14, 2011, Lawson-Dennis, through her attorney, James C. Young, filed a motion to terminate her probation early. In the alternative, Lawson-Dennis requested that the remainder of her jail sentence be ordered into execution so that she would not have to attend any further Project Hope compliance meetings.

h. On August 22, 2011, a hearing was held on Lawson-Dennis's motion. At that time, Lawson-Dennis withdrew her motion upon realizing that she only had two months left of active probation.

225. In their June 2011 final report regarding court programs and efficiency, Hubbard and Regoeczi recommended that Project Hope be suspended, revamped, and/or handled by another judge.

226. On June 9, 2011, Chief Probation Officer Jerry Krakowski submitted a proposed list of Project Hope guidelines to respondent for her review and approval. These guidelines included but were not limited to the following:

a. Only persons charged with or convicted of solicitation will be assigned to Project Hope;

b. "Johns" or buyers of prostitution will not assigned to Project Hope;

c. The probation officer will determine what services will best assist the defendants; however, it will be mandatory for Project Hope participants to complete a substance abuse assessment, weekly urinalysis testing, HIV and STD education classes, and educational or vocational training;

d. The probation officer will determine if it is necessary for Project Hope participants to attend monthly compliance meetings with the caveat that all Project Hope participants will attend at least one compliance meeting before successful completion of the program;

e. Project Hope participants will be required to complete all recommended treatment plans and programs; and

f. The judge shall be notified of all positive drug screens and if the participant may be in danger or a danger to themselves.

227. Respondent never contacted Krakowski regarding these recommendations, nor did she take any formal steps to implement the recommendations.

Bobbi Williams

228. Bobbi Williams was charged with a 1st degree misdemeanor of Allowing Another to Operate a Motor Vehicle without the Legal Right to Do So. Williams was represented by counsel. (Case No. 2013 TRD 004239.)

229. Williams' boyfriend, Freddie Johnson, had operated the vehicle, and he had also been charged with various misdemeanors, including but not limited to, License Required to Operate.

230. Johnson appeared in court on February 14, 2013 and pled not guilty to the charges against him. A subsequent court date was set for February 19, 2013; however, Johnson failed to appear. Accordingly, a capias was issued for Johnson.

231. On February 21, 2013, Williams appeared in court and pled no contest to the misdemeanor charge against her. During the sentencing portion of Williams' case, respondent became aware that a capias had been issued for Johnson.

232. Respondent refused to continue sentencing Williams until Johnson appeared.

233. Respondent stated "It's her boyfriend. She can make sure that he comes into this courtroom, or I can impose the jail time that I believe is appropriate today." (Emphasis added.)

234. Williams' attorney tried to inform respondent that Williams could not make her boyfriend appear. In a very irritated manner, respondent then proceeded to sentence Williams to two days in jail and a $100 fine.

Bond Increases

235. Respondent increases bonds for defendants who request a trial. For example:

a. On June 30, 2009, Maurice Tucker appeared before respondent on two charges – a recent Driving Under Suspension (DUS) charge and a 2008 minor misdemeanor traffic charge for which a capias had been issued. (Case Nos. 2008 TRD 052369 and 2009 TRD 040682.)

b. Tucker was represented by Attorney David Eidenmiller.

c. Tucker had a $1,500 bond on the DUS charge and a personal bond on the traffic charge.

d. Eidenmiller informed the court that Tucker wished to enter a no contest plea to the traffic charge, but that he wanted a continuance on the DUS charge.

e. Respondent accepted this proposal, but rather than granting a continuance, she set the matter for trial. She also inquired into whether Tucker would be able to pay the $1,500 bond on the DUS charge.

f. As the parties were trying to pick a trial date, Eidenmiller requested that the trial be for both the DUS charge and the 2008 traffic charge.

g. Respondent stated that she was fine with Tucker withdrawing his no contest plea on the 2008 traffic violation, but that if he wanted a trial on the 2008 traffic violations, she was going to increase the bond on the DUS charge because Tucker "doesn't come to court" on the traffic charge.

h. Respondent further stated that "when we set bonds, we take everything into consideration, and this is a gentlemen that does not come back to court." She specifically noted, however, that she did not want to set a bond on a minor misdemeanor case.

i. At the time that respondent initially set the $1,500 bond, she had all the same information available to her as when she decided to increase the bond. The only difference was that Tucker had requested a trial.

Improper Revocation

236. On at least one occasion, respondent improperly revoked a defendant's probation due to what she perceived to be rude and disrespectful conduct to the court.

a. On March 8, 2012, Angela Beckwith pled no contest to a charge of solicitation. (Case No. 2012 CRB 002544.)

b. She was sentenced to 180 days in jail with all 180 days suspended and a $200 fine. She was also placed on two years of active probation with an order that she complete the court's Project Hope Program.

c. On December 17, 2012, Beckwith was in court for a Project Hope compliance meeting. Late in the afternoon, Beckwith's case was called. Beckwith was presented with a Certificate of Achievement and some gifts from local donors.

d. As Beckwith was leaving the courtroom, the door slammed because Beckwith's hands were full. Respondent asked her bailiffs to bring Beckwith

back into the courtroom whereupon respondent informed Beckwith that she was being held in contempt.

e. Respondent then ordered the full 180 days of Beckwith's sentence into execution without affording Beckwith any due process or conducting a proper contempt hearing.

f. Respondent set the matter for a mitigation hearing on December 19, 2012 at which time respondent ordered Beckwith to be held in custody for five additional days.

g. Respondent suspended the remaining 172 days of Beckwith's sentence.

237. As noted in previous counts, individuals (prosecutors, defense counsel, and defendants) are not permitted to question respondent's rulings or decisions without being threatened with contempt.

238. Respondent's conduct as outlined above violates the Ohio Code of Judicial Conduct and the Ohio Rules of Professional Conduct specifically Canon 1 (a judge shall uphold the independence and integrity of the judiciary) and Jud R. 1.2 (a judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary); Canon 2 (A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary) and Jud. R. 2.2 (A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially); DR 1-102(A)(5) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice) and Prof. Cond. R. 8.4(d) (a lawyer shall not engage in conduct that is prejudicial to the administration of justice); and DR 1-102(A)(6) (a lawyer shall not engage in any other conduct that adversely reflects on the lawyer's fitness to practice law) and Prof. Cond. R. 8.4(h) (a lawyer shall not engage in conduct that adversely reflects on the lawyer's fitness to practice law).

Count Seven – Request for Mental Health Evaluation

239. Relator incorporates Paragraphs 1 through 238.

240. As alleged in the counts above, it is clear that for the past several years respondent:

a. Has been unable to efficiently run a courtroom;

b. Perceives problems where there are none;

c. Engages in unprofessional conduct, including needless shouting matches with prosecutors, defense counsel, court employees, and the public; and

d. Views comments/questions about her decisions or actions as a personal attack on her and the integrity of the court.

241. From a global perspective, respondent's behavior has negatively impacted every component of the criminal justice system that she has come into contact with as a judicial officer including prosecutors, public defenders, security bailiffs, personal bailiffs, court reporters, psychiatric clinic employees, probation officers, defendants, and the public – and has led to the adoption of several court-wide rules or departmental policy changes in order to accommodate respondent's unwarranted use of court resources and constantly changing expectations.

242. Despite these accommodations, respondent has been unable or unwilling to recognize that most, if not all, of the problems in her courtroom are the result of her own actions. Rather than accepting responsibility for her conduct and working towards a resolution, respondent persists in blaming others for the problems in her courtroom.

243. Based upon the above facts and allegations, relator believes that respondent may be suffering from a mental illness that substantially impairs her ability to perform her duties as a judicial officer. In accordance with Gov. Bar R. V (7)(C), relator requests that the Board of Commissioners on Grievances and Discipline or the hearing panel assigned to

this case order a psychiatric examination of respondent by one or more physicians designated by the Board or hearing panel.

CONCLUSION

Wherefore, pursuant to Gov. Bar R. V, the Ohio Code of Judicial Conduct, and the Ohio Rules of Professional Conduct, relator alleges that respondent is chargeable with misconduct; therefore, relator requests that respondent be disciplined pursuant to Rule V of the Rules of the Government of the Bar of Ohio.

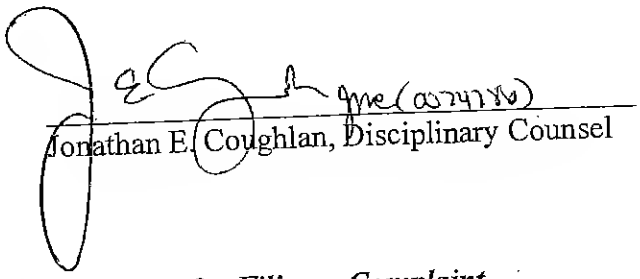
Jonathan E. Coughlan (0026424)
Disciplinary Counsel

Michael E. Murman (0029076)
Special Prosecutor to the
Office of Disciplinary Counsel
14701 Detroit Avenue, Suite 555
Lakewood, Ohio 44107
(216) 228-6996 – Phone
(216) 226-9011 - Facsimile

CERTIFICATE

The undersigned, Jonathan E. Coughlan, Disciplinary Counsel, of the Office of Disciplinary Counsel of the Supreme Court of Ohio hereby certifies that Michael E. Murman is duly authorized to represent relator in the premises and has accepted the responsibility of prosecuting the complaint to its conclusion. After investigation, relator believes reasonable cause exists to warrant a hearing on such complaint.

Dated: September 25, 2013



Jonathan E. Coughlan, Disciplinary Counsel

Gov. Bar R. V, § 4(I) ***Requirements for Filing a Complaint.***

(1) Definition. "Complaint" means a formal written allegation of misconduct or mental illness of a person designated as the respondent.

* * *

(7) Complaint Filed by Certified Grievance Committee. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by a Certified Grievance Committee shall be filed in the name of the committee as relator. The complaint shall not be accepted for filing unless signed by one or more attorneys admitted to the practice of law in Ohio, who shall be counsel for the relator. The complaint shall be accompanied by a written certification, signed by the president, secretary, or chair of the Certified Grievance Committee, that the counsel are authorized to represent the relator in the action and have accepted the responsibility of prosecuting the complaint to conclusion. The certification shall constitute the authorization of the counsel to represent the relator in the action as fully and completely as if designated and appointed by order of the Supreme Court with all the privileges and immunities of an officer of the Supreme Court. The complaint also may be signed by the grievant.

(8) Complaint Filed by Disciplinary Counsel. Six copies of all complaints shall be filed with the Secretary of the Board. Complaints filed by the Disciplinary Counsel shall be filed in the name of the Disciplinary Counsel as relator.

(9) Service. Upon the filing of a complaint with the Secretary of the Board, the relator shall forward a copy of the complaint to the Disciplinary Counsel, the Certified Grievance Committee of the Ohio State Bar Association, the local bar association, and any Certified Grievance Committee serving the county or counties in which the respondent resides and maintains an office and for the county from which the complaint arose.